



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

~~Jan 80.~~ Jpn 80.1



Harvard College Library

FROM

Bought with
Fine Money.

14 June, 1889.



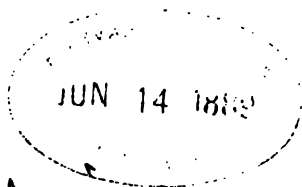


THE
CONSTITUTION
OF
THE EMPIRE OF JAPAN
WITH THE
SPEECHES
ADDRESSED TO
STUDENTS OF POLITICAL SCIENCE
IN THE
Johns Hopkins University
BALTIMORE, APRIL 17, 1889

~~I. 2500~~

Jah 80.1

Jpn 80.1



7me money

DEDICATION.

The celebration described in the following pages was suggested by the receipt of an official copy of the Constitution of Japan, sent to the Johns Hopkins University by the Japanese Minister in Washington; and by the recollection of the students from Japan who have won an honorable distinction in this institution by their talents, their industry and their fidelity, and whose names it is a pleasure here to record.

DOCTORS OF PHILOSOPHY.

MITSURU KUHARA, Ph. D., Vice-President of the Tokio Chemical Society, Professor of Chemistry, First Middle School of Tokio, Japan.

KAKICHI MITSUKURI, Ph. D., Professor of Zoölogy, University of Tokio, Japan.

YUZERO MOTORA, Ph. D., Professor in the Aoyama Yeiwa Gakuko, Tokio, Japan.

SHOSUKE SATO, Ph. D., Acting Director and Professor of History and Political Economy, Imperial College of Agriculture, Sapporo, Japan.

STILL ENGAGED IN STUDY.

TOYOKICHI IYENAGA, Ph. B., Oberlin College, 1887; Graduate Student in History and Politics.

INAZO OTA, S. B., Associate Professor in Imperial College of Agriculture, Sapporo, Japan,—on leave of absence.

KIKUJIRO SAIGO, Attaché of the Japanese Legation, Washington, D. C.; Special Student of History and Politics.

KOTARO SHIMOMURA, S. B., Worcester Polytechnic Institute, 1888; Graduate Student of Chemistry.

SHOZABURO WATASE, S. B., Sapporo, 1884; University of Tokio, 1886; University Scholar, 1888; Fellow in Biology, 1888-89.

THE PROCEEDINGS.

On the evening of April 17, 1889, members of the Johns Hopkins University interested in the study of political science assembled in Hopkins Hall to commemorate the formal promulgation of the Constitution of Japan, in accordance with the following invitation :

"You are respectfully invited to be present at an assembly of members of this University interested in Political Science, which will be held in Hopkins Hall, Wednesday evening, April 17th, 1889, at eight o'clock, to commemorate the promulgation of the written Constitution of the Empire of Japan.

"D. C. GILMAN, *President.*"

The flags of the United States and of Japan were hung above the shield of the Johns Hopkins University. Branches of cherry blossoms, *pyrus japonica*, and of flowering trees were tastefully arranged in front of screens.

The President of the University, Dr. GILMAN, called the assembly to order and invited to preside the Hon. T. M. COOLEY, LL. D., late Chief Justice of Michigan, now of the Interstate Commerce Commission, and author of a "Treatise on Constitutional Limitations."

Upon the right of the Chair sat the Minister from Japan to the United States, Mr. M. MUTSU; the Secretary of Legation, Mr. SAITO; and the Japanese students of the University. Upon the left sat the President and other officers of the University.

Mr. SAIGO, by request, then read the names of the Japanese students who have here been enrolled, and the positions to which they have been called, as given on a previous page.

THE CONSTITUTION OF THE EMPIRE OF JAPAN.

Having, by virtue of the glories of Our Ancestors, ascended the throne of a lineal succession unbroken for ages eternal; desiring to promote the welfare of, and to give development to the moral and intellectual faculties of Our beloved subjects, the very same that have been favoured with the benevolent care and affectionate vigilance of Our Ancestors; and hoping to maintain the prosperity of the State, in concert with Our people and with their support, We hereby promulgate, in pursuance of Our Imperial Rescript of the 14th day of the 10th month of the 14th year of Meiji, a fundamental law of State, to exhibit the principles, by which We are to be guided in Our conduct, and to point out to what Our descendants and Our subjects and their descendants are forever to conform.

The rights of sovereignty of the State, We have inherited from Our Ancestors, and We shall bequeath them to Our descendants. Neither We nor they shall in future fail to wield them, in accordance with the provisions of the Constitution hereby granted.

We now declare to respect and protect the security of the rights and of the property of Our people, and to secure to them the complete enjoyment of the same, within the extent of the provisions of the present Constitution and of the law.

The Imperial Diet shall first be convoked for the 23d year of Meiji, and the time of its opening shall be the date, when the present Constitution comes into force.

When in the future it may become necessary to amend any of the provisions of the present Constitution, We or Our successors shall assume the initiative right, and submit a project

for the same to the Imperial Diet. The Imperial Diet shall pass its vote upon it, according to the conditions imposed by the present Constitution, and in no otherwise shall Our descendants or Our subjects be permitted to attempt any alteration thereof.

Our Ministers of State, on Our behalf, shall be held responsible for the carrying out of the present Constitution, and Our present and future subjects shall forever assume the duty of allegiance to the present Constitution.

[HIS IMPERIAL MAJESTY'S Sign-Manual.]

[Privy Seal.]

The 11th day of the 2nd month of the 22nd year of Meiji.

(Countersigned)

COUNT KURODA KIYOTAKA,

Minister President of State.

COUNT ITO HIROBUMI,

President of the Privy Council.

COUNT OKUMA SHIGENOBU,

Minister of State for Foreign Affairs.

COUNT SAIGO TSUKUMICHI,

Minister of State for the Navy.

COUNT INOUE KAORU,

Minister of State for Agriculture and Commerce.

COUNT YAMADA AKITOSHI,

Minister of State for Justice.

COUNT MATSUGATA MASAYOSHI,

Minister of State for Finance, and

Minister of State for Home Affairs.

COUNT OYAMA IWAO,

Minister of State for War.

VISCOUNT MORI ARIKORI,

Minister of State for Education.

VISCOUNT ENOMOTO TAKEAKI,

Minister of State for Communications.

CONSTITUTION.

CHAPTER I.

THE EMPEROR.

ARTICLE I.

The Empire of Japan shall be reigned over and governed by a line of Emperors unbroken for ages eternal.

ARTICLE II.

The Imperial Throne shall be succeeded to by Imperial male descendants, according to the provisions of the Imperial House Law.

ARTICLE III.

The Emperor is sacred and inviolable.

ARTICLE IV.

The Emperor is the head of the Empire, combining in Himself the rights of sovereignty, and exercises them, according to the provisions of the present Constitution.

ARTICLE V.

The Emperor exercises the legislative power with the consent of the Imperial Diet.

ARTICLE VI.

The Emperor gives sanction to laws, and orders them to be promulgated and executed.

CONSTITUTION.

ARTICLE VII.

The Emperor convokes the Imperial Diet, opens, closes, and prorogues it, and dissolves the House of Representatives.

ARTICLE VIII.

The Emperor, in consequence of an urgent necessity to maintain public safety or to avert public calamities, issues, when the Imperial Diet is not sitting, Imperial Ordinances in the place of law.

Such Imperial Ordinances are to be laid before the Imperial Diet at its next session, and when the Diet does not approve the said Ordinances, the Government shall declare them to be invalid for the future.

ARTICLE IX.

The Emperor issues, or causes to be issued, the Ordinances necessary for the carrying out of the laws, or for the maintenance of the public peace and order, and for the promotion of the welfare of the subjects. But no Ordinance shall in any way alter any of the existing laws.

ARTICLE X.

The Emperor determines the organization of the different branches of the administration, and the salaries of all civil and military officers, and appoints and dismisses the same. Exceptions especially provided for in the present Constitution or in other laws, shall be in accordance with the respective provisions (bearing thereon).

ARTICLE XI.

The Emperor has the supreme command of the Army and Navy.

ARTICLE XII.

The Emperor determines the organization and peace standing of the Army and Navy.

ARTICLE XIII.

The Emperor declares war, makes peace, and concludes treaties.

ARTICLE XIV.

The Emperor proclaims the law of siege.

The conditions and effects of the law of siege shall be determined by law.

ARTICLE XV.

The Emperor confers titles of nobility, rank, orders, and other marks of honor.

ARTICLE XVI.

The Emperor orders amnesty, pardon, commutation of punishment, and rehabilitation.

ARTICLE XVII.

A Regency shall be instituted in conformity with the provisions of the Imperial House Law.

The Regent shall exercise the powers appertaining to the Emperor in His name.

CHAPTER II.

RIGHTS AND DUTIES OF SUBJECTS.

ARTICLE XVIII.

The conditions necessary for being a Japanese subject shall be determined by law.

CONSTITUTION.

ARTICLE XIX.

Japanese subjects may, according to qualifications determined in law or ordinances, be appointed to civil or military offices equally, and may fill any other public offices.

ARTICLE XX.

Japanese subjects are amenable to service in the Army or Navy, according to the provisions of law.

ARTICLE XXI.

Japanese subjects are amenable to the duty of paying taxes, according to the provisions of law.

ARTICLE XXII.

Japanese subjects shall have the liberty of abode and of changing the same within the limits of law.

ARTICLE XXIII.

No Japanese subject shall be arrested, detained, tried, or punished, unless according to law.

ARTICLE XXIV.

No Japanese subject shall be deprived of his right of being tried by the judges determined by law.

ARTICLE XXV.

Except in the cases provided for in the law, the house of no Japanese subject shall be entered or searched without his consent.

ARTICLE XXVI.

Except in the cases mentioned in the law, the secrecy of the letters of every Japanese subject shall remain inviolate.

ARTICLE XXVII.

The right of property of every Japanese subject shall remain inviolate.

Measures necessary to be taken for the public benefit shall be provided for by law.

ARTICLE XXVIII.

Japanese subjects shall, within limits not prejudicial to peace and order, and not antagonistic to their duties as subjects, enjoy freedom of religious belief.

ARTICLE XXIX.

Japanese subjects shall, within the limits of law, enjoy the liberty of speech, writing, publication, public meetings, and associations.

ARTICLE XXX.

Japanese subjects may present petitions, by observing the proper forms of respect, and by complying with the rules specially provided for the same.

ARTICLE XXXI.

The provisions contained in the present Chapter shall not affect the exercise of the powers appertaining to the Emperor, in times of war or in cases of a national emergency.

ARTICLE XXXII.

Each and every one of the provisions contained in the preceding Articles of the present Chapter, that are not in conflict with the laws or the rules and discipline of the Army and Navy, shall apply to the officers and men of the Army and of the Navy.

CHAPTER III.
THE IMPERIAL DIET.

ARTICLE XXXIII.

The Imperial Diet shall consist of two Houses, a House of Peers and a House of Representatives.

ARTICLE XXXIV.

The House of Peers shall, in accordance with the Ordinance concerning the House of Peers, be composed of the members of the Imperial Family, of the orders of nobility, and of those persons who have been nominated thereto by the Emperor.

ARTICLE XXXV.

The House of Representatives shall be composed of Members elected by the people, according to the provisions of the Law of Election.

ARTICLE XXXVI.

No one can at one and the same time be a member of both Houses.

ARTICLE XXXVII.

Every law requires the consent of the Imperial Diet.

ARTICLE XXXVIII.

Both Houses shall vote upon projects of law submitted to it by the Government, and may respectively initiate projects of law.

ARTICLE XXXIX.

A Bill, which has been rejected by either the one or the other of the two houses, shall not be again brought in during the same session.

ARTICLE XL.

Both Houses can make representations to the Government, as to laws or upon any other subject. When, however, such representations are not accepted, they cannot be made a second time during the same session.

ARTICLE XLI.

The Imperial Diet shall be convoked every year.

ARTICLE XLII.

A session of the Imperial Diet shall last during three months. In case of necessity, the duration of a session may be prolonged by Imperial Order.

ARTICLE XLIII.

When urgent necessity arises, an extraordinary session may be convoked, in addition to the ordinary one.

The duration of an extraordinary session shall be determined by Imperial Order.

ARTICLE XLIV.

The opening, closing, prolongation of session, and prorogation of the Imperial Diet, shall be effected simultaneously for both Houses.

In case the House of Representatives has been ordered to dissolve, the House of Peers shall at the same time be prorogued.

ARTICLE XLV.

When the House of Representatives has been ordered to dissolve, Members shall be caused by Imperial Order to be newly elected, and the new House shall be convoked within five months from the day of dissolution.

ARTICLE XLVI.

No debate can be opened and no vote can be taken in either House of the Imperial Diet, unless not less than one-third of the whole number of the members thereof is present.

ARTICLE XLVII.

Votes shall be taken in both Houses by absolute majority. In the case of a tie vote, the President shall have the casting vote.

ARTICLE XLVIII.

The deliberations of both Houses shall be held in public. The deliberations may, however, upon demand of the Government or by resolution of the House, be held in secret sitting.

ARTICLE XLIX.

Both Houses of the Imperial Diet may respectively present addresses to the Emperor.

ARTICLE L.

Both Houses may receive petitions presented by subjects.

ARTICLE LI.

Both Houses may enact, besides what is provided for in the present Constitution and in the Law of the Houses, rules necessary for the management of their internal affairs.

ARTICLE LII.

No member of either House shall be held responsible outside the respective Houses, for any opinion uttered or for any vote given in the House. When, however, a Member himself has given publicity to his opinions by public speech, by docu-

ments in printing or in writing, or by any other similar means he shall, in the matter, be amenable to the general law.

ARTICLE LIII.

The members of both Houses shall, during the session, be free from arrest, unless with the consent of the House, except in cases of flagrant delicts, or of offences connected with a state of internal commotion or with a foreign trouble.

ARTICLE LIV.

The Ministers of State and the Delegates of the Government may, at any time, take seats and speak in either House.

CHAPTER IV.

THE MINISTERS OF STATE AND THE PRIVY COUNCIL.

ARTICLE LV.

The respective Ministers of State shall give their advice to the Emperor, and be responsible for it.

All Laws, Imperial Ordinances, and Imperial Rescripts of whatever kind, that relate to the affairs of the State, require the countersignature of a Minister of State.

ARTICLE LVI.

The Privy Council shall, in accordance with the provisions for the organization of the Privy Council, deliberate upon important matters of State, when they have been consulted by the Emperor.

CHAPTER V.

THE JUDICATURE.

ARTICLE LVII.

The Judicature shall be exercised by the Courts of Law according to law, in the name of the Emperor.

The organization of the Courts of Law shall be determined by law.

ARTICLE LVIII.

The judges shall be appointed from among those, who possess proper qualifications according to law.

No judge shall be deprived of his position, unless by way of criminal sentence or disciplinary punishment.

Rules for disciplinary punishment shall be determined by law.

ARTICLE LIX.

Trials and judgments of a Court shall be conducted publicly. When, however, there exists any fear that such publicity may be prejudicial to peace and order, or to the maintenance of public morality, the public trial may be suspended by provision of law or by the decision of the Court of Law.

ARTICLE LX.

All matters, that fall within the competency of a special Court, shall be specially provided for by law.

ARTICLE LXI.

No suit at law, which relates to rights alleged to have been infringed by the legal measures of the executive authorities, and which shall come within the competency of the Court of Administrative Litigation specially established by law, shall be taken cognizance of by a Court of Law.

CHAPTER VI.

FINANCE.

ARTICLE LXII.

The imposition of a new tax or the modification of the rates (of an existing one) shall be determined by law.

However, all such administrative fees or other revenue having the nature of compensation shall not fall within the category of the above clause.

The raising of national loans and the contracting of other liabilities to the charge of the National Treasury, except those that are provided in the Budget, shall require the consent of the Imperial Diet.

ARTICLE LXIII.

The taxes levied at present shall, in so far as are not remodelled by new law, be collected according to the old system.

ARTICLE LXIV.

The expenditure and revenue of the State require the consent of the Imperial Diet by means of an annual Budget.

Any and all expenditures overpassing the appropriations set forth in the Titles and Paragraphs of the Budget, or that are not provided for in the Budget, shall subsequently require the approbation of the Imperial Diet.

ARTICLE LXV.

The Budget shall be first laid before the House of Representatives.

ARTICLE LXVI.

The expenditures of the Imperial House shall be defrayed every year out of the National Treasury, according to the present fixed amount for the same, and shall not require the consent thereto of the Imperial Diet, except in case an increase thereof is found necessary.

ARTICLE LXVII.

Those already fixed expenditures based by the Constitution upon the powers appertaining to the Emperor, and such expenditures as may have arisen by the effect of law, or that appertain to the legal obligations of the Government, shall be neither rejected nor reduced by the Imperial Diet, without the concurrence of the Government.

ARTICLE LXVIII.

In order to meet special requirements, the Government may ask the consent of the Imperial Diet to a certain amount as a Continuing Expenditure Fund, for a previously fixed number of years.

ARTICLE LXIX.

In order to supply deficiencies, which are unavoidable, in the Budget, and to meet requirements unprovided for in the same, a Reserve Fund shall be provided in the Budget.

ARTICLE LXX.

When the Imperial Diet cannot be convoked, owing to the external or internal condition of the country, in case of urgent need for the maintenance of public safety, the Government may take all necessary financial measures, by means of an Imperial Ordinance.

In the case mentioned in the preceding clause, the matter shall be submitted to the Imperial Diet at its next session, and its approbation shall be obtained thereto.

ARTICLE LXXI.

When the Imperial Diet has not voted on the Budget, or when the Budget has not been brought into actual existence, the Government shall carry out the Budget of the preceding year.

ARTICLE LXXII.

The final account of the expenditures and revenue of the State shall be verified and confirmed by the Board of Audit, and it shall be submitted by the Government to the Imperial Diet, together with the report of verification of the said Board.

The organization and competency of the Board of Audit shall be determined by law separately.

CHAPTER VII.

SUPPLEMENTARY RULES.

ARTICLE LXXIII.

When it has become necessary in future to amend the provisions of the present Constitution, a project to that effect shall be submitted to the Imperial Diet by Imperial Order.

In the above case, neither House can open the debate, unless not less than two-thirds of the whole number of Members are present, and no amendment can be passed, unless a majority of not less than two-thirds of the Members present is obtained.

ARTICLE LXXIV.

No modification of the Imperial House Law shall be required to be submitted to the deliberation of the Imperial Diet.

No provision of the present Constitution can be modified by the Imperial House Law.

ARTICLE LXXV.

No modification can be introduced into the Constitution, or into the Imperial House Law, during the time of a Regency.

ARTICLE LXXVI.

Existing legal enactments, such as laws, regulations, Ordinances, or by whatever names they may be called, shall, so far as they do not conflict with the present Constitution, continue in force.

All existing contracts or orders, that entail obligations upon the Government, and that are connected with expenditure shall come within the scope of Art. LXVII.

ON THE PROMULGATION OF THE CONSTITUTION OF JAPAN.

AN ADDRESS BY HON. THOMAS M. COOLEY, LL.D.

When the political institutions of any people are under consideration, the important question must always be, whether they express the national thought and conform to the national desires, so that we are likely to find the people living in spontaneous and willing conformity to their laws. When such is the case a minimum of disorder and irritation may be expected from the ordinary exercise of governmental authority, and a maximum of content. To insure so desirable result it is important that the people be admitted to such participation in the government as their intelligence, their experience, and their self control may fit them for; and since government in its origin is commonly the rule of a single person or class of persons, this participation is only obtained by concessions from the rulers to the people.

The history of the world has many melancholy pages on this subject, for it shows that almost invariably these concessions are won by the people in successful uprisings against their existing governments. The story of our own race is particularly instructive: for many centuries they have been demanding a larger share in the government, gaining from age to age some-

thing; but until within the present century every considerable advance has been at the cost of civil war. When a concession is won by force the change effected for the time being is not unlikely to be much more radical than the people are prepared for; and then comes a reaction; like that which followed the attempt of the French people at the end of the last century to advance by a single leap from a condition of political slavery to the self rule of complete liberty.

In all history I know of no recorded deed more noble or more commendable than that of the ruler of a great people who, with solemn recognition of the obligations his trust as ruler imposes upon him, deliberately and without regret, when he perceives that the time has come for giving to the institutions of his country a more popular character, lays down some portion of his authority, and invites his people to assume such share in the responsibilities of government as he believes them ready for.

Such a deed we commemorate to-day.

A ruler exercising undisputed sway over thirty-six millions of people, not intoxicated with power, but caring for it, we have a right to assume, as it can be made to contribute to the general good, has by solemn act of government bestowed upon his people a free constitution as the culmination of measures deliberately planned, and with watchful care put into effect for their advantage and happiness.

Looking back over the preparatory measures we see that they include the encouragement of popular education, the careful study of the institutions of other countries, especially of those countries where representative institutions prevail, and the establishment of a great university where promising young men can be taught not only literature and the arts, but political science also. We see national unity and homogeneity effected

By the overthrow of an ancient and absurd feudalism; we see a senate established to advise in the making of laws; we see local institutions given in which the people enter upon practical training for the higher duties of free government. Then with wise statesmanship, recognizing the fact that sudden and unusual changes cannot be made in government without great inconvenience, the emperor proclaims his purpose, after a few years of popular preparation, to establish a free parliament and proclaim a constitution with limitations upon the imperial prerogative.

The constitution is now before us, and we read its provisions with admiration for the statesmanship displayed, and with delight as we contemplate the benefits likely to flow from it to a peculiarly apt, ingenious and self-poised people, as we know this people to be.

As we examine the provisions of this constitution our attention is perhaps first of all attracted to the concessions of the privilege of participation in the legislative power to representatives of the people freely chosen. What our ancestors only gained after a struggle with the rulers, continued through many centuries, sometimes peacefully conducted and sometimes with the sword, is by this ruler given with probably only the necessary limitations at once. There is no question of the gift having been delayed too long: we remember that our eminent statesman, Mr. Seward, when he visited Japan a few years since expressed the opinion that the government was more likely to be too prompt than too slow in making such concessions. But the ruler, as we have said, proceeded deliberately; and throughout the grant the thought is everywhere present that the emperor makes it because he recognizes the fact that the people, by having acquired the fitness to receive it have thereby become entitled to it. No doubt he agrees in

what is said by an eminent writer and thinker of our own country, that institutions are not superior to the people; that "the state must follow and not lead the character and progress of the citizen." And doubtless he believes he has done this now.

What next attracts our attention is the careful bill of rights which is inserted as the guaranty of individual liberty. Magna Charta itself was not so full and so particular in this regard as is the Charter before us.

The right of private property is declared to be inviolate.

Liberty of speech and of the press is secured, and the liberty of religious belief.

Unreasonable searches and seizures are forbidden; the right to secrecy of letters is declared; the liberty of petition and of public meeting is guaranteed.

And then we have that great and vital principle, without which there can be no true liberty, that no subject shall be arrested, detained, tried or punished, unless according to law, and by the judges determined by law.

It would be a pleasing task to examine this constitution in detail, and to dwell upon the provisions which show most distinctly the honorable place this people now takes among the nations which rejoice in liberal institutions. But in so far as that is to be done to-day the duty will fall to another. A duty at least equally interesting will be taken up by one who can speak with full knowledge of the new movement, and with that complete sympathy with it which comes not alone from faith in it, but also from being one of the people whom it immediately concerns. He will point out to us how the life of a remarkable people is likely to be affected by this great political change; and as Americans, sensible that to our liberties is due the measure of content and prosperity we enjoy, we shall

listen with profound interest. Nor can we doubt that great and permanent benefits are to flow from the striking act of sovereignty and of statesmanship which, for this ancient and most vigorous empire, now calls into being representative institutions. It is acts such as this that make us feel and impel us to say,

“Peace hath her victories not less renowned than War.”

JAPAN'S PREPARATION
FOR HER
Present Constitution.

AN ADDRESS BY TOYOKICHI IYENAGA.

MR. CHAIRMAN, YOUR EXCELLENCY,

LADIES AND GENTLEMEN:

The last half of the present century has been a memorable era for Japan.* Extraordinary events have followed one another in quick succession, and have powerfully influenced

*The writer makes no specific mention of Japanese authorities which he has read with profit, such as original works of history, official documents and native newspapers, for they are inaccessible to American readers. The following are perhaps the more important sources of information in English, all of which the writer has examined, and to many of which he acknowledges his indebtedness.

Griffis' "The Mikado's Empire"; Reed's Japan; Rein's Japan, Part II. Chap. I.; Mossman's New Japan; Mounsey's Satsuma Rebellion; "The Japanese in America" and "Leading Men of Japan," by Charles Lanman; Education in Japan.—Introduction by Arinori Mori; Miss Bird's Unbeaten Tracks in Japan; Chapters in History of Japan, by F. O. Adams; K. Mitsukuri's "Recent Changes in Japan," in Intern. Rev. V. X., 1881; Articles on Japan, in Edin. Rev., V. 136 and V. 154; Quart. Rev., V. 137 and 150; N. Am. Rev., V. 127; Blackw. Mag., V. 101; Brit. Quar. Rev., V. 76; Fortn. Rev., N. S. V. 23; Contemp. Rev. V. 33; Fortn. Rev., May, 1887; 19th Cent. Dec. 1888; And. Rev., Feb. 1887; Our Day, 2 : 1; Nation, 46 : 129, 364, 468; Science, 7 : 450; Sat. Rev., 67 : 79; Atlan., 60 : 405; and a few other magazine articles, which are mentioned in another place.

her national life. But as yet Japan has achieved nothing more important in its direct bearing, nothing fraught with mightier consequences, than the great work in whose commemoration we are here assembled.

Nor is the interest of the event limited to the Island Empire. This is the first birth of Liberty on Asiatic soil. Oriental annals record nothing of greater political significance for the cause of humanity and civilization than this birth of freedom. Well may Japan rejoice over her good fortune to be the first-born of Liberty in the East! Well may His Imperial Majesty, the present enlightened and judicious ruler of Japan, be glad! Among the long line of monarchs who have sat on imperial thrones he is the solitary example, who, without being forced by arms or pecuniary necessity, but "desiring to promote the welfare of, and give development to the moral and intellectual faculties of Our beloved subjects, and hoping to maintain the prosperity of the State in concert with Our people and with their support" (as the opening sentences of the New Constitution read), has granted to his people their rights and privileges. Well may he console his sovereign heart by the fruits of his assiduous labor, and by the gladdened voices of gratitude and praise, which arise and shall continue to arise from his subjects and their descendants, and from those who are interested in the advance of civilization!

Mr. Chairman, a constitution of a people, it is said, is a growth, "a subtle organism," not to be manufactured in a day. A nation, which has lived for ages under one form of institutions, must undergo a long process of training before it can adapt itself to another form totally different. How can such an ancient country as Japan, nursed by "Asiatic despotism, based on paganism, and propped on a fiction,"*

* Griffiths' "The Mikado's Empire," p. 578.

regenerate itself, and develop in a day into a free and constitutional monarchy? How can the Constitution just issued, which was apparently "struck off at a given time by the brain and purpose of man,"* replace in a year the constitution which bears the stamp of ages? These are the inquiries which naturally suggest themselves to foreigners. To answer these questions, to trace the political changes of Japan which led up to the promulgation of the New Constitution, is my present duty.

And, as the annals of New Japan are crowded with events, which can hardly be told in a brief space of time, I cannot better discharge my duty than by alluding to the most prominent facts which bear special reference to the growth of constitutional ideas. I shall aim to follow the main course of thought among the leaders of New Japan. For it is ideas that make worlds, that occasion revolutions, that form the codes, policy and institutions of the people, and make change a possibility.

The Constitution of Japan was moulded into its present form by the hand of the present Government, after a careful study of the Japanese situation, and of the political systems of Germany, Great Britain, France and the United States. But it is not a piece of constitutional patch-work put together in a few years. *It is the outcome of the national growth.* The Constitution just born was conceived more than a quarter of a century ago, amid the turmoil of the civil war, that broke out after the coming of Commodore Perry, whose memorable expedition to the then hermit nation of Asia is embodied in these great volumes before you, the account of Perry's expedition to Japan. The Constitution first took a definite form,

* "The Nation," March 21, 1889.

when the royal party upholding the Emperor had carried its victorious arms over the battle fields of Fushimi and Toba, and had succeeded in abolishing the Shogunate and establishing the present government. On the 6th of April, 1868, in the castle of Nijo, the Emperor, in the presence of the assembled court nobles and the territorial princes, took an oath, by which he promised that a deliberative Assembly should be formed, and all measures be decided by public opinion; that the uncivilized customs of former times should be broken through, and the impartiality and justice displayed in the workings of nature be adopted as a basis of action; and that intellect and learning should be sought for throughout the world, in order to establish the foundations of the Empire. Here was the constitutional seed which, after years of growth, was to blossom into the flower which we behold to-day.

The Emperor's promise henceforth became the watch-word of the nation. The moment when it was uttered was full of difficulty and danger. The civil war was not yet ended. The ex-Shogun had escaped to Yedo, and northern Daimios were mustering their forces to aid him in resuming the ancient régime. Within the new government, which was formed by a combination of five prominent clans, each clan tried to assert its supremacy and to advance its own interests. From outside they were confronted by aggressive foreigners "who studied the country through the spectacles of dollars and cents," whose diplomatists too often made the principles of Shylock the root of their system, and who, backed by their squadrons, were too ready to incite their envoys to repeat the work of Kagoshima and Shimonosheki, and thus extort a large sum of money, calling it by a euphemism "indemnities," for the least cause, which many of the bigoted Daimios and fanatical *ronins* were not slow to provide by assassinating or insulting some of

the foreigners.* To meet such a crisis, to allay the jealousies existing between different clans, and "to ensure a solid and lasting union of conflicting interests,"† the leaders of the government felt convinced that nothing but public opinion and justice and real merit could succeed.

The men who now came to surround the council-board of the Emperor were of entirely different type from the court nobles of former days. They were, with a few exceptions, men of humble origin. They had raised themselves from obscurity to the highest places of the State by sheer force of native ability. They had studied much and travelled far. Their experiences were diverse; they had seen almost every phase of society. If they were now drinking the cup of glory, most of them had also tasted the bitterness of exile, imprisonment, and fear of death. Patriotic, sagacious, and daring, they combined the rare qualities of magnanimity and urbanity. If they looked with indifference upon private morality, they were keenly sensitive to the sense of honor, and to public morals. If they have made mistakes, and have not escaped the charge of inconsistency in their policy, these venial faults were for the most part due to the rapidly changing conditions of the country. No other set of statesmen of Japan, or of any other country, ancient or modern, have witnessed within their life-time so many social and political transformations. They saw the days when Feudalism flourished,—the grandeur

* On the Tariff and Treaty questions of Japan see two articles of E. H. House, in *New Princeton Review*, January and March, 1888, and his "Martyrdom of Empire," in *Atlantic Monthly*, 47 : 610; Pres. Angell's Article in *Bib. Sac.* 42 : 101; and Prof. J. K. Newton's article in *Bib. Sac.*, Jan. '87, and Reed's Japan.—Introduction. T. Twiss on Consular Jurisdiction in Japan. *Nation*, 46 : 254; *Andover Rev.* 9 : 605.

† Adams, F. O., *History of Japan*, vol. I, p. 128.

of its rulers, its antique chivalry, its stately etiquette, its ceremonial costumes, its codes of honor, its rigid social order, its formal politeness, its measured courtesies.* They also saw the days when all these were swept away, and replaced by the simplicity and stir of modern life. They accordingly "have had to cast away every tradition, every habit and every principle and mode of action with which even the youngest of them had to begin official life."†

The task they were to perform was of a peculiar nature. They were to destroy and create, to preserve and reform. To them is due the saying of Edmund Burke: "When the useful parts of an old establishment are kept, and what is super-added is to be fitted to what is retained, a vigorous mind, steady persevering attention, various powers of comparison and combination, and the resources of an understanding fruitful in expedients, are to be exercised; they are to be exercised in a continued conflict with the combined force of opposite vices, with the obstinacy that rejects all improvement, and the levity which is disgusted with everything of which it is in possession."‡

The ranks of this noble body of statesmen and reformers are now, alas! gradually breaking. Saigo, the elder, is no more. Kido and Iwakura have been borne to their graves. Okubo and Mori have fallen under the sword of fanatics. But, thanks to God, many of them yet remain, and bear the burdens of the day.

Remarkable works soon followed the establishment of the new government and attest its capacity and energy. Within a few years the new government suppressed the rebellion,

* Miss Bird's "Unbeaten Tracks in Japan," vol. I, p. 8.

† *The Contemp. Rev.*, vol. 38, p. 828.

‡ Burke's Reflections," etc.: Works, vol. V, pp. 808-4.

shifted its seat from Kioto to Tokio, entered into amicable relations with foreign powers, abolished Feudalism, broke up the country into prefectures, and sent out an embassy to foreign countries.

The overthrow of the Feudal System, which for eight centuries had formed the fabric of the Japanese society, by an imperial edict, without bloodshed, seemed at the time to the experienced West like a political miracle, and has since been the subject of much comment. Without doubt it was a wonderful performance, but when we examine closely the circumstances which led to it, and the influences which acted upon it, we cannot but regard it as the natural terminus of the political flood, which was sweeping over the country. When such a revolution of thought as that expressed in the proclamation of 1868 had taken place in the mind of the leaders of society; when contact with foreigners had fostered the necessity of national union; when the spirit of loyalty of the Samurai had changed to loyalty to his Emperor, when his patriotic devotion to his province had changed to patriotic devotion to his country, then it was quite apparent that the petty social organization, which was antagonistic to these national principles, would soon be crushed.

If there is any form of society, which is diametrically opposed to the spirit of national union, of liberal thought, of free intercourse, it is feudal society. Monarchical or democratic society encourages the spirit of union, but feudal society must, from its very nature, smother it. Seclusion is the parent of feudalism. In our enlightened and progressive century seclusion is no longer possible. Steam and electricity would alone have been sufficient to destroy the Japanese feudalism. But long before its fall the Japanese feudalism "was an empty shell." Its leaders, the Daimios of provinces,

were, with a few exceptions, men of no commanding importance. "The real power in each clan lay in the hands of able men of inferior rank, who ruled their masters."* From these men came the present advisers of the Emperor. Their chief object at that time was the thorough unification of Japan. Why should they longer trouble themselves to uphold Feudalism, this mother of sectionalism, this colossal sham!

If such were the causes of the overthrow of Feudalism, its immediate effect on the nation in unifying their thoughts, customs and habits, was most remarkable. From this time we see the marked growth of common sentiment, common manners, common interest among the people, together with a love of peace and order.

While the government at home was thus tearing down the old framework of state, the Iwakura Embassy in foreign lands was gathering materials for the new. This was significant, inasmuch as five of the best statesmen of the time, with their staff of forty-four able men, came into association for over a year with western peoples, and beheld in operation their social, political, and religious institutions. These men became fully convinced that "the wealth, the power, and the happiness of a people," as President Grant told them, "are advanced by the encouragement of trade and commercial intercourse with other powers, by the elevation and dignity of labor, by the practical adaptation of science to the manufactures and the arts, by increased facilities of frequent and rapid communication between different parts of the country, by the encouragement of immigration, which brings with it the varied habits and diverse genius and industry of other lands, *by a free press, by freedom of thought and of conscience, and a liberal toleration in matters of religion.*" †

* Griffis' "The Mikado's Empire," p. 322.

† C. Lanman, "The Japanese in America," p. 33.

The impressions and opinions of these men on the importance of a free and liberal policy can be gleaned from the speeches they made during the western tour, and some of their writings and utterances on other occasions.

The Chief Ambassador, Iwakura, in reply to a toast made to him in England, said: "Having now become more intimately acquainted with her (English) many institutions, we have discovered that their success is due to the *liberal* and energetic spirit by which they are animated." *

Count Ito, the present President of the Privy Council, in his speech at San Francisco, said: "While held in absolute obedience by despotic sovereigns through many thousand years, our people knew no freedom or liberty of thought. With our material improvement they learned to understand their rightful privileges, which, for ages, have been denied them." †

Count Inouye, the present Minister of State for Agriculture and Commerce, in his memorial to the government in 1873, said: "The people of European and American countries are for the most part rich in intelligence and knowledge, and they preserve the spirit of independence. And owing to the nature of their polity they share in the counsels of their government. Government and people thus mutually aid and support each other, as hand and foot protect the head and eye. The merits of each question that arises are distinctly comprehended by the nation at home, and the government is merely its outward representative. But our people are different. Accustomed for ages to despotic rule, they have remained content with their prejudices and ignorance. Their knowledge and intelligence are undeveloped, and their spirit

* Moesman's *New Japan*, p. 442.

† C. Lanman, "The Japanese in America," p. 14.

is feeble. In every movement of their being they submit to the will of the government, and have not the shadow of an idea of what "a right" is. If the government makes an order, the whole country obeys it as one man. If the government takes a certain view, the whole nation adopts it unanimously. . . . The people must be recalled to life, and the Empire be made to comprehend with clearness that the objects which the government has in view are widely different from those of former times."*

If the passages thus quoted illustrate their zeal to introduce western civilization, and to educate the people gradually to political freedom and privileges, their actions speak more eloquently than their words. In order to crush that social evil—the class system—which for ages had been a curse, the government declared all classes of men equal before the law, delivered the *eta*—the class of outcasts—from its position of contempt, abolished the marriage limitations existing between different classes of society, prohibited the wearing of swords, which was the peculiar privilege of the nobles and the Samurai, while to facilitate means of communication and to open the eyes of the people to the wonders of mechanical art, they incessantly applied themselves to the construction of railroads, docks, light-houses, mining, iron, and copper factories, and to the establishment of telegraphic and postal systems. They also codified the laws, abolished the use of torture in obtaining testimony, revoked the edict against Christianity, sanctioned the publication of newspapers, established by the decree of 1875 the "Genro-in (a kind of Senate) to enact laws for the Empire, and the Daishin-in to consolidate

* The translation of the whole memorial is given in C. Lanman's "Leading Men of Japan," p. 87.

the judicial authority of the courts,"* and called an assembly of the prefects, which, however, held but one session in Tokio.

While the current of thought among the official circles was thus flowing, there was also a stream, in the lower region of the social life, soon to swell into a mighty river. Social inequality, that barrier which prevents the flow of popular feeling, being already levelled, merchants, agriculturists, tradesmen, artisans, and laborers were now set at liberty to assert their rights and to use their talents. They were no longer debarred from places of high honor.

The great colleges and schools, both public and private, which were hitherto established and carried on exclusively for the benefit of the nobles and the Samurai, were now open to all. And in this democracy of letters, where there is no rank nor honor but that of talent and industry, a sentiment was fast growing that the son of a Daimio is not necessarily wiser than the son of a peasant.

Teachers of these institutions were not slow to infuse the spirit of independence and liberty into their pupils and to instruct the people in their natural and political rights. Mr. Fukuzawa, a school-master, a statesman, an author, and a lecturer, the man who exercised an immense influence in shaping the mind of young Japan, gave a death blow to the old ideas of despotic government and of the blind obedience of the people, when he declared that *government exists for the people and not the people for the government*, that the government officials are the servants of the people, and the people their employers. He also struck a heavy blow at the arrogance and extreme love of military glory of the Samurai class, with whom to die for the cause of his sovereign, what-

* The Imperial decree of 1875.

ever that cause might be, was the highest act of patriotism, by advocating that "Death is a democrat and that the Samurai who died fighting for his country, and the servant who was slain while caught stealing from his master, were alike dead and useless."

In a letter to one of his disciples, Mr. Fukuzawa said: "The liberty of which I have spoken, is of such great importance, that everything should be done to secure its blessings in the family and the nation, without any respect to persons. When every individual, every family, and every province shall obtain this liberty, then, and not till then, can we expect to witness the true independence of the nation; then the military, the farming, the mechanical and the mercantile classes will not live in hostility to each other; then peace will reign throughout the land, and all men will be respected according to their conduct and real character."*

The extent of the influence exercised with pen and tongue by these teachers upon the nation, showed that the reign of sword and brutal force was over and the day of peace and reason had dawned. The press has at last become a power. The increase during that period of publications, both original and translations, and of newspapers, both in their number and circulation, is marvelous. To give an illustration, the number of newspapers transmitted in the mails increased from 514,610 in the year 1873 to 2,629,648 in the year 1874—an increase of 411 per cent. in one year—"a fact which speaks volumes for the progress of civilization."†

These newspapers were soon to become the organs of political parties, which were in the process of formation. The most prominent among these political societies was the

* The translation given in C. Lanman, "Leading Men of Japan," p. 47.

† See the Appendix of Griffis' "The Mikado's Empire."

Ri-shi-sha, which finally developed into the present liberal party. At the head of this party was Count Itagaki, a man of noble character and of marked ability, who had rendered many useful services to the country in the time of the Restoration and had for some years been a member of the cabinet, but who in 1875 resigned his office and became "the man of the people." He and his party contributed greatly to the development of constitutional ideas. Whatever may be said as to the extreme radicalism and childish freaks of the rude elements of this party, the presence of its sober members, who sincerely longed to see the adoption of a constitutional form of government and used only proper and peaceful means for the furtherance of their aim, and boldly and frankly told what they deemed the defects of the government;—the presence of such a party in the country, whose masses knew nothing but slavish obedience to every act of the government, was certainly a source of great benefit to the country at large.

In 1873, Count Itagaki with his friends had sent in a memorial to the government praying for the establishment of a representative assembly, but they had not been heeded by the government. In July, 1877, Count Itagaki with his *Ri-shi-sha* again addressed a memorial to the Emperor, "praying for a change in the form of government, and setting forth the reasons which, in the opinion of the members of the society, rendered such a change necessary."*

These reasons were nine in number, and were developed at great length. Eight of them formed a direct impeachment of the present government, and the ninth was a reminder that the solemn promise of 1868 had never been fulfilled. "Nothing," they concluded, "could more tend to the well

* Mouusey's Satsuma Rebellion, p. 258.

being of the country, than for your Majesty to put an end to all despotic and oppressive measures, and to consult public opinion in the conduct of the government. To this end a representative assembly should be established, so that the government may become constitutional in form. The people would then become more interested and zealous in looking after the affairs of the country; public opinion would find expression, and despotism and confusion cease. The nation would advance in civilization; wealth would accumulate in the country; troubles from within and contempt from without would cease, and the happiness of your Imperial Majesty and of your Majesty's subjects would be secured."

But again the government heeded not, its attention at the time being fully occupied with the suppression of the Satsuma Rebellion. The civil war being ended, in 1878, the year which marked a decade from the establishment of the new régime, the government, persuaded that the time for popular institutions was fast approaching, not alone through representations of the Tosa memorialists, but through many other signs of the times, decided to take a step in the direction of establishing a national assembly. But the government acted cautiously. Thinking that to bring together hundreds of members unaccustomed to parliamentary debate and its excitement and to allow them a hand in the administration of affairs of the state might be attended with serious dangers, as a preparation for the national assembly, the government established first local assemblies. Certainly this was a wise course.

These local assemblies have not only been good training schools for popular government, but also proved reasonably successful. They hold their sessions every year, in the month of March, in their respective electoral districts, and there

discuss all questions of local taxation. They may also petition the central government on other matters of local interest. The members must be males of the full age of twenty-five years, who have been resident for three years in the district, and pay the sum of \$10, as a land tax within their district. The qualifications for electors (males only) are: an age of twenty years, registration, and payment of a land tax of \$5. Voting is by ballot, but the names of the voters are to be written by themselves on the voting papers. There are now 2,172 members who sit in these local assemblies, and it is highly probable that the majority of the members of the House of Representatives of the Imperial Diet, to be convened next year, will be made up from the more experienced members of the local assemblies.

The gulf between absolute government and popular government was thus widened more and more by the institution of local government. The popular tide raised by these local assemblies, was swelling in volume year by year. New waves were set in motion by the younger generation of thinkers. Toward the close of the year 1881 the flood rose so high that the government thought it wise not to resist longer. His Imperial Majesty, hearing the petitions of the people, graciously confirmed and expanded his promise of 1868 by the famous proclamation of Oct. 12, 1881:

"We have long had it in view to gradually establish a constitutional form of government. . . . It was with this object in view that in the eighth year of Meiji (1875) we established the Senate, and in the eleventh year of Meiji (1878) authorized the formation of local assemblies. . . . We therefore hereby declare that we shall, in the twenty-third year of Meiji (1890), establish a parliament in order to carry into full effect the determination we have announced; and we charge

ISSUED BY THE
PUBLICATION AGENCY OF THE JOHNS HOPKINS UNIVERSITY,
BALTIMORE, MARYLAND.



3 2044 018 998 740

[CONSERVED]



3 2044 018 998

